

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see Form PCT/ISA/220

WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY
(PCT Rule 43bis.1)

Date of mailing
(day/month/year) see Form PCT/ISA/210 (Sheet 2)

Applicant's or agent's file reference

FOR FURTHER ACTION

see Form PCT/ISA/220

see paragraph 2 below

International application No.
PCT/EP2005/051687

International filing date (day/month/year)
18.04.2005

Priority date (day/month/year)
23.04.2004

International Patent Classification (IPC) or both national classification and IPC
H04Q7/30

Applicant
SIEMENS AKTIENGESELLSCHAFT

1. This opinion contains indications relating to the following items:

- | | |
|--|--|
| <input checked="" type="checkbox"/> Box No. I | Basis of the opinion |
| <input checked="" type="checkbox"/> Box No. II | Priority |
| <input type="checkbox"/> Box No. III | Non-establishment of opinion with regard to novelty, inventive step and industrial applicability |
| <input type="checkbox"/> Box No. IV | Lack of unity of invention |
| <input checked="" type="checkbox"/> Box No. V | Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability, citations and explanations supporting such statement |
| <input type="checkbox"/> Box No. VI | Certain documents cited |
| <input type="checkbox"/> Box No. VII | Certain defects in the international application |
| <input type="checkbox"/> Box No. VIII | Certain observations on the international application |

2. FURTHER ACTION

If a demand for international preliminary examination is made, this opinion will be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA") except that this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of 3 months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA

Authorized officer

European Patent Office
D-80298 Munich
Tel. +49 89 2399-0 Tx. 523656 epmu d
Fax: +49 89 2399 - 4465

Hultsch, W
Tel. +49 89 2399 - 7148

Box No. I Basis of this opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ The opinion has been established on the basis of a translation from the original language into the following language, which is the language of a translation furnished for the purposes of international search (Rules 12.3(a) and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material
☐ on paper
☐ in electronic form
 - c. time of filing/furnishing
☐ contained in the international application as filed
☐ filed together with the international application in electronic form
☐ furnished subsequently to this Authority for the purposes of search
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table(s) relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

Box No. II Priority

1. ☒ The validity of the priority claim has not been considered because the International Searching Authority does not have in its possession a copy of the earlier application whose priority has been claimed or, where required, a translation of that earlier application. This opinion has nevertheless been established on the assumption that the relevant date (Rules 43*bis*.1 and 64.1) is the claimed priority date.
2. ☐ This decision has been established as if no priority had been claimed due to the fact that the priority claim has been found invalid (Rules 43*bis*.1 and 64.1). Thus for the purpose of this opinion, the international filing date indicated above is considered to be the relevant date.
3. Additional observations, if necessary:

Box No. V Reasoned statement under Rule 43*bis*.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty	Yes: Claims 1-15 No: Claims
Inventive step	Yes: Claims 1-15 No: Claims
Industrial applicability	Yes: Claims 1-15 No: Claims

2. Citations and explanations:

see Supplementary sheet

Re Box No. V

Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Reference is made to the following document:

D1: WO 03/103313 A (SIEMENS AKTIENGESELLSCHAFT; BACHMANN, FRANK; BAEKELANDT, BART; GUARINO) 11 December 2003 (2003-12-11)

2. The application satisfies the requirements of Article 33(1) PCT, as the subject matter of **claims 1 to 15** is novel, inventive and industrially applicable (Article 33(2), (3), (4) PCT).

- 2.1 The subject matter of the application relates to a method (**claim 1**) and a device (independent **claim 8**) for the establishment of a TrFO connection between two communication terminals.

The closest prior art is represented by document **D1**. **D1** also describes a method for the establishment of a TrFO connection between two communication terminals and discloses the feature of requesting the individual AMR codec modes currently in use within an existing TrFO connection from a radio network controller RNC by means of a switching unit MSC.

However neither **D1** nor the other documents that have become known contain a reference to the use of codec mode configurations within TrFO connections and an MSC requesting the use of subsets of codec mode configurations from an RNC during the establishment of a TrFO connection and the TrFO connection being established according to the subsets supported by the RNC.

The object of the invention is therefore to find an improved method for the establishment of TrFO connections, which results in a simple and effective manner in an increase in the probability of TrFO connections being set up between two communication terminals.

The claimed solution provides for an MSC requesting the use of subsets of codec mode configurations from an RNC during the establishment of a TrFO connection and the TrFO connection being established according to the subsets supported by the RNC. One advantage of this solution is that the probability of a TrFO connection being set up between two communication terminals is increased in a simple and effective manner.

The claimed solution to the above-mentioned object is disclosed neither by **D1** nor other publications that have become known nor is it obvious to the person skilled in the art.

- 2.2 The dependent **claims 2 to 9** and **11 to 15** contain further advantageous refined features of the method according to **claim 1** or the device according to **claim 10** and therefore also satisfy the requirements of Article 33(2) and (3) PCT in respect of **novelty** and

inventive step.

2.3 The present invention according to **claims 1 to 15** is clearly also industrially applicable (Article 33(4) PCT).

Comments relating to the clarity of the application:

On entry into the examination phase (PCT phase II), the applicant should take note of the following shortcomings of the application in respect of clarity.

The application does not satisfy the requirements of Article 6 PCT, because **claims 1, 3 and 12** are not clear.

a) The abbreviation TrFO is used in the text of **claim 1** without it having been defined in full beforehand, making **claim 1** unclear.

It is assumed for the purposes of the examination that this abbreviation relates to the technical feature of a transcoder-free operation, based on the disclosure in the description. To eliminate this shortcoming it is proposed that the applicant insert the associated full text before the abbreviation TrFO.

b) Claim 3 discloses the feature that "... at least a further part of at least one message ... is signaled", which makes claim 3 unclear, as the related **claim 1** does not disclose any signaling, for example of a first part.

The similarly related **claim 2** in contrast discloses the signaling of a first part of a message. The same shortcoming can be noted for **claim 12** in respect of the disclosure of the related **claims 10 and 11**.

To eliminate this shortcoming, the applicant is requested to check that the claims have a consistent claim hierarchy and to correct it accordingly.